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Attorneys for Petitioner

**IN THE UNITED STATES COURT  
OF APPEALS FOR THE NINTH CIRCUIT**

DON CHAVAS, LLC d/b/a Tortillas  
Don Chavas,

Petitioner,

v.

THE NATIONAL LABOR  
RELATIONS BOARD,

Respondent.

No. 14-72574

NLRB Nos. 28-CA-063550  
28-CA-067394

NATIONAL LABOR RELATIONS  
BOARD,

Petitioner,

v.

DON CHAVAS, LLC, d/b/a Tortillas  
Don Chavas,

Respondent.

No. 14-72817

**DON CHAVAS'S MOTION  
FOR EXTENSION OF TIME  
TO FILE OPENING BRIEF**

DON CHAVAS, LLC, by and through undersigned counsel and pursuant to

1 Circuit Rule 32-2.2(b), hereby submits its Motion for Extension of Time to File  
2 Opening Brief.

3  
4 Don Chavas and the National Labor Relations Board (“NLRB”) are diligently  
5 pursuing settlement discussions, but additional time and information is required  
6 before the parties can successfully conclude settlement. Don Chavas has a  
7 substantial need for such a three-week extension of time because it would enable  
8 the parties to acquire the additional information and would greatly enhance the  
9 likelihood of successful settlement.  
10

11  
12 **1. When the Brief is Due**

13 Currently, Don Chavas’s opening brief is due January 2, 2015.  
14

15 **2. When the First Brief Was Due**

16 Don Chavas’s opening brief was originally due November 10, 2014  
17 [DktEntry: 1-6]. After consolidating Don Chavas’s Petition for Review with the  
18 NLRB’s Application for Enforcement, Don Chavas’s opening brief was scheduled  
19 to be filed on December 5, 2014. [DktEntry: 11] On November 25, 2014, the  
20 Court approved Don Chavas’s streamlined request for an initial thirty-day extension  
21 to file its opening brief on January 2, 2015.  
22

23  
24 **3. The Length of the Requested Extension**

25 Don Chavas requests an additional three-week extension of time to file its  
26 opening brief on January 23, 2015.  
27

28 **4. The Reason an Extension is Necessary**

1 Don Chavas and the NLRB have been diligently pursuing discussions to  
2 arrive at a mutually agreeable informal settlement. Negotiations are ongoing and  
3 constructive, but the parties require additional information before a final settlement  
4 can be reached. An additional three week extension of time is critical to enable the  
5 parties to obtain the required information and negotiate a mutually agreeable  
6 settlement, obviating the need for the parties to proceed further with the Petition for  
7 Review and Application for Enforcement.  
8  
9

10 **5. Movant has Exercised Diligence and the Brief Will Be Filed Within the**  
11 **Requested Time**

12 Movant has exercised diligence in the matter. In particular, counsel for Don  
13 Chavas and the NLRB have had frequent discussions regarding settlement and the  
14 parameters of said settlement, including making preparations to comply with the  
15 non-monetary aspects of the Board's order, and continuing the process of obtaining  
16 the necessary information for the parties to negotiate a mutually agreeable back pay  
17 amount.  
18  
19

20 An additional three-week extension of time will greatly enhance the  
21 likelihood of settlement. However, if for any reason the parties are unable to settle  
22 the matter, Don Chavas will file its opening brief on or before January 23, 2015.  
23

24 **6. Don Chavas's Motion is Unopposed**

25 Don Chavas has informed the NLRB of its desire to seek a three-week  
26 extension. Counsel for the NLRB has informed Don Chavas that it does not oppose  
27  
28

1 such a three-week extension.

2 **7. No Court Reporter is in Default**

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4 Upon information and belief, no court reporter is in default with regard to any  
5 designated transcripts.

6 WHEREFORE, Don Chavas respectfully requests that this Court grant Don  
7  
8 Chavas an additional three-week extension of time to file its opening brief.

9 RESPECTFULLY SUBMITTED this 15th day of December, 2014.

10 MUNGER CHADWICK, P.L.C.

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13 /s/ David Ruiz  
14 John F. Munger  
15 Adriane J. Parsons  
16 David Ruiz  
17 Attorneys for Petitioner  
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CERTIFICATE OF SERVICE

I hereby certify that on December 15th, 2014, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the CM/ECF system. I certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

DATED this 15th day of December, 2014.

**MUNGER CHADWICK, P.L.C.**

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